## COUNTY OF LOS ANGELES - SHERIFF'S DEPARTMENT - SUPPLEMENTARY REPORT

DATE: FEBRUARY 15, 2017

**FILE NO.:** 017-00705-6884-011

C: ATTEMPT MURDER OF A PEACE
OFFICER, 664/187(A) PC; ASSAULT WITH
A DEADLY WEAPON (GUN) ON A PEACE
OFFICER 245(D)(1) PC; EX-FELON IN
POSSESSION OF A FIREARM 29800(A)(1)
PC; POSSESSION OF A CONTROLLED
SUBSTANCE (COCAINE) WITH A PRIOR
SERIOUS CONVICTION, 11350(A) PC;
UNDER THE INFLUENCE OF A
CONTROLLED SUBSTANCE
(STIMULANT), 11550(A) HS; DEPUTY
INVOLVED SHOOTING, PERSON

ACTION: ACTIVE / INVESTIGATION

CONDUCTED / EVIDENCE HELD / SUSPECT INTERVIEWED

V: PEREZ, JORGE, # MH/ (LOS ANGELES COUNTY SHERIFF'S DEPUTY)

D: 02-13-2017 (MONDAY) AT 1445 HOURS

**INJURED** 

L: VAN NUYS BOULEVARD VAN NUYS, CALIFORNIA 91405

**S1:** FIRCHOW, PETER MH/ DOB: 09-09-1992

BOOKING #4911413

**S2:** ZARATE, CRISTIAN MH/ DOB: 06-24-1994

BOOKING #4908000

Item #23: Suspect Firchow's shoes and clothing collected from Hospital room. One pair of "Nike Air" tennis shoes, one pair of white socks, one pair of boxer briefs and a pair of basketball shorts.

## **INTERVIEW OF SUSPECT PETER FIRCHOW:**

On Tuesday, February 14, 2017, at approximately 0245 hours, Homicide Investigators Marcelo Quintero, # and Richard Ruiz, # interviewed Suspect PETER FIRCHOW. The interview took place in a hospital room at Providence Holy Cross Medical Center in the city of Mission Hills California. The following is a synopsis of the audio recorded conversation:

Investigators advised Suspect Firchow of his Miranda Rights and asked him for his side of the story of how he was shot. Suspect Firchow agreed to provide a statement. He stated he had a gun in his possession when the deputy contacted him. He had been with several friends prior to the contact with the deputy in front of the restaurant. He added his friends were "doing key shots of coke."

**Investigator's Note**: Key shots of coke is the act of dipping a common house or vehicle key into a container of cocaine and scooping out a small quantity to ingest though the nostrils.

Upon contact with the deputy, he (Firchow) told his friend to "man up" because he (Firchow) was "dirty." He added his friend is the one who got him into this situation. He recalled the deputy ordering him to take out all his pants pocket contents. He complied with the deputy's order and as he removed the items in his pocket which included a gun, he was shot.

Suspect Firchow stated he had been hanging out with his girlfriend earlier and was in the process of delivering a plate of Chinese food to the medical marijuana dispensary where he is currently employed. He added the gun he had was a .22 caliber pistol and carried it because he had been shot at by the Valerio street gang on six different occasions. He stated he has not been an active gang member since 2007 when he used to be part of the Van Nuys 13 street gang. He stated he was targeted by the Valerio street gang members because an ex LAPD officer had openly "snitched" on him and blamed him for spray painting graffiti in the Valerio street gang area.

Suspect Firchow was asked if he pulled out his gun and pointed it at the deputy. He stated he simply pulled it out of his pocket along with his cell phone. Investigators

further asked him why he didn't simply tell the deputy he had a gun in his possession. They further asked him if he realized pulling a gun out in front of a police officer could lead to a problem. He stated he realized it was a problem. He described standing up near a table, backing up slightly then reaching into his pants pocket to remove his phone and the gun. The deputy upon seeing this yelled for him "drop the gun." As he dropped the gun, the deputy shot at him one time.

Investigators asked Suspect Firchow if the deputy put his hands on him to pat him down prior to the shooting. He stated the deputy never got the chance pat him down because he "just shot" upon seeing the gun. He was asked if Cristian (Suspect Zarate) was in a position to observe this happen. He stated Cristian was in handcuffs and seated on the floor. The deputy had first patted him down and placed him in handcuffs. He stated there were two other individuals at the time this incident took place. He described these two individuals as an African American male and a Hispanic male.

Suspect Firchow stated these two other individuals he described were the ones who were snorting cocaine while the officer/deputy was inside the restaurant. He claimed he knew the deputy was inside the restaurant all along. He added he had seen the deputy driving by the restaurant, making a U-turn and then entering the restaurant, earlier. He added this was the reason he insisted that Cristian "man up" and come clean about having drugs on his person. He stated the deputy told both he and Cristian that if they were honest, he would let them go. He further believed that if Cristian had given up the fact he was in possession of drugs, the deputy would not have searched him (Firchow) and he would have simply walked away. He further stated he tried to persuade Cristian to turn over the cocaine which he had concealed in his "ass."

Suspect Firchow was asked if he intended to shoot the deputy when he pulled out the gun. He adamantly denied this was his intention. He stated "fuck no my sister is dating a cop." He added he had too much to live for. He added he is currently in the process of getting an apartment and getting his life in order. He stated he was simply in the wrong place at the wrong time and hanging out with the wrong people. He further reflected he should have delivered the Chinese food and gone home. He further stated he was waiting for his girlfriend to pick him up when he ran into Cristian (Suspect Zarate).

Investigators asked Suspect Firchow where he got the gun from. He stated he had found it on Blythe Street nearby but did not recall when he found it. He initially stated the gun was unloaded. He then stated there were six rounds in the "clip" but none in the chamber. He stated he would have to pull the slide back in order for the gun to fire. He was asked if this is what he would have done if he encountered any Valerio street gang members. He agreed this is what he would have done if that was the case.

Investigators asked Suspect Firchow if he ever pulled the trigger at the officer/deputy. He adamantly denied pulling the trigger. He countered by saying the deputy had "way more rounds" than he and would have been killed or at least injured more severely. He swore on his daughter's life he did not pull the trigger. He then repeated this is why he insisted Cristian tell the deputy the truth about the drugs. He reasoned that if Cristian had admitted to the cocaine, the deputy would have arrested only him (Cristian) and not have searched or arrested him (Firchow). He lamented that he is now in a hospital bed on Valentine's Day and facing jail time away from his family.

Suspect Firchow stated he knew that because he had a gun on his person, he would serve at least one year in prison. He lamented he would miss the birth of his second daughter, just as he missed his first daughter's birth in prison. Suspect Firchow was asked if the deputy simply wanted to shoot him for no reason. He stated the deputy shot him because he pulled out the gun out of his pocket. He added he was very much afraid of the possibility that the deputy would find the gun on his person during a pat down. He feared that he would be "tossed" if the deputy found the gun on his body.

**Investigator's Note:** The term tossed means assaulted or handled in a rough manner.

Suspect Firchow claimed he suffered from a pancreatic ailment and for this reason, he did not want to be handled roughly by the deputy. He further stated his intestine was damaged by the bullet or cut during surgery. He stated he would be facing life threatening medical conditions because of this now. He again lamented that if Cristian would have "came clean" to the deputy, he (Firchow) would not be here in this condition even though he was "dirty" at the time.

Suspect Firchow was asked if he uttered the words "I'm dirty" to the deputy. He explained the deputy first searched Cristian. He then turned to him (Firchow) and asked him if he had anything on his person. He stated he told the deputy "I have a gun" as he pulled the gun and his cell phone from his pocket. The deputy then shot him. Suspect Firchow denied uttering the words "I'm dirty."

Investigators asked Suspect Firchow to reflect on the whole situation. He again blamed his friend Cristian for not admitting to the cocaine when the deputy approached them. He reflected this was the cause for him being shot and lying in a hospital bed. He stated the cocaine was in a plastic bag and Cristian and the two other individuals were doing "key shots" in front of the restaurant windows. He initially stated these two other individuals were present during the shooting but then said they had just walked away and were approximately 50 feet when the deputy walked up. He believed they witnessed the contact with Cristian as well as the shooting. He was asked for the names of these two individuals several times. Though he continually described the incident and blamed Cristian, he did not provide the names of these two persons.

Suspect Firchow was asked how many times he was shot. He stated he was shot once in his stomach near his belly button. He said the bullet did not exit his body and believed it was removed during surgery. Investigators were only able to see the outer bandages affixed to his stomach.

Suspect Firchow asked what charges he would be facing. As Investigators discussed the possible charges, he became emotional and claimed he never intended to kill the deputy. He again explained he respects law enforcement and further claimed his sister is dating an LAPD officer. He again claimed he took out his I-phone and his "Jennings" pistol and intended to place them on the table for the deputy to see. He said he did this after the deputy asked him what he had in his pockets.

Investigators asked Suspect Firchow if he ever raised the gun towards the deputy. He denied doing this and added there were cameras all around the restaurant that would confirm his claim. He further stated he was aware cops ate at the restaurant all the time. He further added the owner of the restaurant knew whim and had actually saved him from being shot by the Valerio street gang on one occasion. He again stated he simply took the gun out of his pocket along with his cell phone. He reiterated the gun was "unloaded" and only had 6 bullets in the magazine.

Suspect Firchow stated he was not currently on probation or parole because he had been discharged after fulfilling all requirements in January of this year. Investigators observed a plastic hospital property bag containing shoes and clothing. He identified the contents as the shoes and clothes he was wearing at the time of this incident. Investigators explained his shoes and clothes (Evidence Item #23) would be booked as evidence. Suspect Firchow's clothing consisted of one pair of "Nike Air" tennis shoes, one pair of white socks, one pair of boxer briefs and one pair of basketball shorts.

Suspect Firchow continually repeated his respect for law enforcement officers and reiterated his intention was not to "kill a cop." He said he had relationships with LAPD officers and expressed concern for the deputy who shot him. He wanted to know if he had a family and added the deputy looked like a father figure.

Investigators discussed his family and personal contacts for the remainder of the interview. Suspect Peter Firchow had nothing further to add and the interview was terminated.

This investigation is ongoing.

FEBRUARY 15, 2017

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017-00705-6884-011

BY: SERGEANT MARCELO QUINTERO, #

SERGEANT RICHARD RUIZ, #

APPROVED BY: LIEUTENANT STEVE JAUCH, #

ASSIGNED: HOMICIDE BUREAU - DETECTIVE DIVISION

## COUNTY OF LOS ANGELES - SHERIFF'S DEPARTMENT - SUPPLEMENTARY REPORT

DATE: FEBRUARY 17, 2017

FILE NO.: 017-00705-6884-011

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OFFICER, 664/187(A) PC; ASSAULT WITH
A DEADLY WEAPON (GUN) ON A PEACE
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PC; POSSESSION OF A CONTROLLED
SUBSTANCE (COCAINE) WITH A PRIOR
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UNDER THE INFLUENCE OF A
CONTROLLED SUBSTANCE
(STIMULANT), 11550(A) HS;
DEPUTY INVOLVED SHOOTING, PERSON
INJURED

ACTION: ACTIVE / INVESTIGATION

CONDUCTED / EVIDENCE HELD /

VICTIM INTERVIEWED / SUSPECT BOOKED / FILING

SOUGHT

V: PEREZ, JORGE, # MH/ (LOS ANGELES COUNTY SHERIFF'S DEPUTY)

D: FEBRUARY 13, 2017 (MONDAY) AT 1445 HOURS

VAN NUYS BOULEVARD VAN NUYS, CA. 91405

**S1**: FIRCHOW, PETER MH/ 24 DOB: 09-09-1992

BOOKING #4911413

**S2**: ZARATE, CRISTIAN MH/ 22 DOB: 06-24-1994

BOOKING #4908000

Marcelo Quintero and Richard Ruiz were detailed to "restaurant Van Nuys Boulevard) in Van Nuys to investigate the facts and circumstances surrounding a deputy-involved shooting. Investigators arrived at the scene at approximately 1742 hours and contacted Deputy Mario Acosta, # assigned to Transit Policing Division Unit 670F/PM's, who was in charge of the crime scene.

Deputy Acosta, along with Transit Policing Division Deputy personnel and Los Angeles Police Department personnel, responded to the location in regards to a deputy involved shooting which took place in the front patio area of the location. The deputy involved in the shooting was Deputy Jorge Perez, #

Upon Deputy Acosta's arrival, he learned the following information. While eating lunch inside the location, Deputy Jorge Perez saw a group of four unknown male Hispanics sitting in an outside patio table of the restaurant. He could see them from the table he was sitting on inside the restaurant and noticed that one of the individuals snorted what appeared to be some type of narcotic. As Deputy Perez went outside to contact the males, he noticed that two of the males had already walked away from the location.

Deputy Perez contacted the two male Hispanics who were still sitting outside of the restaurant. When Deputy Perez contacted both unknown males (later identified as S1/Firchow and S2/Zarate) about the use of narcotics, S1/Firchow told S2/Zarate "Tell him what you got." Deputy Perez detained both suspects pending a narcotics investigation. After Deputy Perez conducted a pat down search of S2/Zarate, he handcuffed him and sat him down while he made contact with S1/Firchow.

When Deputy Perez contacted S1/Firchow, he stated to Deputy Perez "I'm dirty, I'm dirty." Using his left arm, Deputy Perez was going to place S1/Firchow's hands behind his back when S1/Firchow grabbed a firearm from somewhere on his person, raised it

to his chest, and pointed it at Deputy Perez. Deputy Perez immediately disengaged, withdrew his weapon from his holster, and fired one shot at S1/Firchow, striking him in the lower torso. Immediately after firing, Deputy Perez requested both medical and deputy assistance to his location. Deputy Perez was not injured. S1/Firchow was treated at the scene by Los Angeles City Fire Engine #81, Paramedic Zavala, #S1/Firchow was transported to Providence Holy Cross Medical Center in Mission Hills where he was listed in critical, but stable condition.

Deputy Acosta explained that once the suspect was transported, assisting deputy personnel checked the immediate area for any witnesses and any civilian personnel that may have been affected by gunfire. Deputy Acosta indicated that once the witnesses were identified, he caused the area to be immediately secured using yellow crime scene tape, black and white patrol vehicles, and uniformed deputy personnel for scene preservation.

Deputy Acosta, along with assisting Transit Policing Division Deputy personnel and Los Angeles Police Department personnel, will document their actions and observations in a first report and supplemental reports, which will be included in this investigative file.

# LOCATION:

This shooting incident took place in the front patio area of "least area" restaurant located at Van Nuys Boulevard. Van Nuys Boulevard is a busy north south business thoroughfare with three northbound lanes of traffic and three southbound lanes of traffic. The restaurant is on the east side of the street, with the patio area being directly in front of the restaurant with two tables with umbrellas and chairs on the south side and three tables with umbrellas and chairs on the north side.

Investigators were assisted by Homicide Investigators Kevin Acebedo, # and Judith Luera, # who were tasked with processing the scene for any and all evidence related to this incident. Investigators Acebedo and Luera were assisted by Los Angeles County Sheriff's Scientific Services Bureau personnel. Forensic Identification Specialist Mira Amir, # and Sergio Castellon, # were tasked with documenting the location of the evidence, photographing the scene, and creating a sketch of the crime scene.

Mira Amir and Sergio Castellon will document all their observations and findings in supplemental reports, which will be made part of this investigative file. Investigators Acebedo and Luera were in charge of the overall crime scene and will document their findings and observations in a supplemental report, which will be made part of this investigative file as well.

Los Angeles County Deputy District Attorney Grace Rai and Sergeant Greg Icamen from the Los Angeles County District Attorney Justice System Integrity Division responded to the location. They participated in non-deputy witness interviews.

Sergeants Trent Denison, # and Thomas Arellano, # from the Los Angeles County Sheriff's Department's Internal Affairs Bureau responded to the location. They participated in the non-deputy personnel interviews and will be in charge of a subsequent administrative investigation.

#### INTERVIEW OF VICTIM DEPUTY JORGE PEREZ:

On Tuesday, February 14, 2017 at 2251 hours, Investigators interviewed Deputy JORGE PEREZ, # The interview took place in the conference room at the Los Angeles Valley College Sheriff's Sub-Station (5800 Fulton Avenue). Deputy Perez was represented by Attorney Mitchell S. Kander from the Law Offices of Green and Shinee. Deputy Perez voluntarily agreed to participate in an interview with investigators. The following is a synopsis of the recorded conversation:

Deputy Perez stated he was assigned to the Los Angeles County Sheriff's Department's Transit Policing Division out of the Chatsworth Office and began his shift at 0500 hours on a "county-double," which meant he would be working two shifts for the day. When he started his second shift after 1300 hours, he decided to get something to eat at a restaurant named "Van Nuys Boulevard) in Van Nuys. He was a one man unit and was working alone. There was no parking at the restaurant, so he parked his county black and white vehicle a few businesses south of the location and walked up to the restaurant.

Once inside the restaurant, he was seated by the waiter and served right away. As he was eating his lunch, there was a group of four males that entered an enclosed outside patio, which was in front of the restaurant. Deputy Perez could see through a clear glass window that two of the males were "snorting" an unknown narcotic by putting the substance up to their nose. Initially, Deputy Perez did not want to confront four males by himself and then saw the two males who had snorted the narcotics leave the location. As Deputy Perez kept an eye on the two remaining males, he decided to walk outside to the outdoor patio for the purpose of "shooing" both males away from the location.

When Deputy Perez made contact with the two males outside in the patio area, he asked them why they were in the business's patio without purchasing any food from the restaurant. Both males told Deputy Perez they were waiting for a ride. As Deputy Perez was talking with the males, he asked them, "whose got the dope?" As Deputy Perez was talking with both males, one of the males (later identified as S1/Firchow) told the other male (later identified as S2/Zarate), "hey, just tell him you got it bro, just fess up, just tell him you got it." Deputy Perez felt S1/Firchow's comments were strange, but

allowed him to keep talking as he patted down for weapons, handcuffed the younger male (S2/ Zarate), and had him sit down. He explained that S2/Zarate was wearing baggy pants and had a lot of items in his pants, such as marijuana and pill bottles.

Once Deputy Perez detained S2/Zarate, he saw S1/Firchow get on his cell phone, so Deputy Perez told him to get off his cell phone. S1/ Firchow got off his cell phone and defiantly threw it on a glass patio table. As Deputy Perez told S1/Firchow to put his hands behind his back, S1/Firchow put his right hand in his right front pocket. Deputy Perez took control of S1/Firchow's left arm with his left hand and used his right hand to unsnap his holster as he waited to see if S1/Firchow was going to comply with his command. As Deputy Perez was holding on to S1/Firchow's left arm and ordering S1/Firchow to get his right hand out of his pocket, S1/Firchow told him, "I'm dirty bro, I'm dirty." Deputy Perez did not know whether S1/Firchow was telling him that he had drugs in his pocket or something else.

Deputy Perez explained he tried to place S1/Firchow's arms behind his back to pat him down for weapons, but felt that S1/Firchow was resisting him and not complying with his request to put his hands behind his back by tensing up and not allowing Deputy Perez to turn him away from him. He indicated that as S1/Firchow was resisting, Deputy Perez saw S1/Firchow take a gun out of his right front pant pocket, shift to his right, and saw S1/Firchow raise a gun to his own chest as he pointed the gun muzzle at Deputy Perez. Deputy Perez described the handgun as a faded, dark colored, small handgun. When Deputy Perez saw the gun pointed in his direction, he let go of S1/Firchow, stepped back, and took out his handgun and said, "drop it, drop the gun, drop the gun." When S1/Firchow did not comply with Deputy Perez' commands, Deputy Perez fired one round and hit S1/Firchow in the stomach. S1/Firchow immediately dropped the gun, fell to the ground, and started to moan and groan.

Deputy Perez explained that before he fired his weapon, he believed S1/Firchow was going to shoot him. He did not know why S1/Firchow did not shoot him, but he definitely could have done it. Deputy Perez immediately got on the radio to request for help and ordered the other suspect (S2/Zarate) to stay down because he wanting to get up. Deputy Perez continued to keep his gun pointed at S1/Firchow because he did not know if he had another gun with him, while he waited for assistance from other officers and medical aid for S1/Firchow. Deputy Perez stated he began to keep civilians away from the scene as he directed and coordinated assistance using his department issued radio.

Deputy Perez explained when he went outside his main intention was to "shoo" the males away from the restaurant. He originally thought the male who was sitting down (S1/Firchow) was selling drugs because he had seen him exchange something with the two males who had left earlier. Deputy Perez believed the two males had walked southbound on Van Nuys Boulevard from the restaurant. He remembered finding



marijuana in a plastic pill bottle container on S2/Zarate. During his initial detention and prior to the shooting, Deputy Perez did not find any drugs on S1/Firchow.

Deputy Perez indicated that he believed police personnel from the Los Angeles Police Department arrived and assisted him by handcuffing the male with the gun (S1/Firchow). He reiterated that while he was inside the restaurant eating, he remembered getting up and walking towards the window to get a better look at the four males involved in narcotics activity in the patio area. Deputy Perez explained he did not see any money exchange hands or see any guns with the males.

Investigators went over a hand rendered diagram (not to scale) of the inside and outside of the restaurant with Deputy Perez. He showed Investigators where he had been seated in the restaurant and where he saw the four males in the outside patio of the restaurant. Deputy Perez pointed out the direction he walked out of restaurant and how he approached the males in the patio. He identified where S1/Firchow and S2/Zarate were at when he approached them. Deputy Perez indicated that he did not have a body camera and did not record the incident in any way.

Deputy Perez was wearing a Los Angeles County Sheriff's Department, long sleeve, Class A uniform with "Los Angeles County Sheriff" patches on both arms, which clearly identified him as a Los Angeles Sheriff's Deputy. He used a Beretta 92F 9mm handgun, which is issued and authorized by the Department. He had a black leather, basket weave, gun belt, with all his Departmental equipment (pepper spray canister, keys, gun in holster, two sets of handcuffs, collapsible baton, Sheriff's radio with holder, and a drop-down holster with a Taser on the left side of his left leg).

Sergeant Ruiz checked Deputy Perez' handgun and noted it to be a 9mm "Beretta," 92F, semiautomatic pistol with a serial number of BER The pistol had one live round in the chamber. The round was hollow point and head stamped "WIN 9 Luger." Deputy Perez stated he carried his weapon with one round in the chamber and 15 rounds in the magazine. He carried two 15 round additional magazines in a magazine pouch, which were filled to capacity.

Deputy Perez was asked why he shot the suspect (S1/Firchow). He became emotional and stated "I thought he was going to shoot me."

Deputy Perez had nothing further to add at this point and the interview was terminated.

#### **BOOKING OF SUSPECT PETER FIRCHOW:**

On Friday, Februrary 17, 2017 at approximately 1400 hours, Investigators were notified by Los Angeles County Sheriff's Deputy Carl Forbes, # from the Transit Policing Division (TPD) that Suspect Peter Firchow had been medically cleared to be moved from

Providence Holy Cross Medical Center in Mission Hills to the Sheriff's Department's Inmate Reception Center to be booked via police vehicle by Doctor Reza Kermani.

Twin Towers Correctional Facility Nurse Julie Alvarez, # obtained medical clearance to transport and book Suspect Peter Firchow at the Inmate Reception Center (IRC) via police vehicle with Doctor Reza Kermani's instructions. IRC Inmate Reception Center Watch Commander, Lieutenant Gunnels approved the booking into IRC under approval number 170217-41 at 1429 hours. TPD Deputies Oleg Polissky, # and Ron Dusky, # were in-charge of transporting Suspect Peter Firchow to IRC.

During Suspect Firchow's transportation to IRC, he became ill on the 5 Freeway at the 170 Freeway in Sun Valley. Deputies requested paramedics to their location who transported Suspect Firchow via ambulance to the closest hospital at Pacifica Hospital of the Valley (9449 San Fernando Road) in Sun Valley where he was medically examined. Suspect Firchow was subsequently medically cleared to be transported to IRC via police vehicle. He was booked and medically admitted to IRC at 2137 hours without further incident.

The facts of this case will be presented to the Los Angeles County District Attorney's Office for their review.

SUBMITTED BY:

SERGEANT RICHARD RUIZ, #

SERGEANT MARCELO QUINTERO, #

APPROVED BY:

LIEUTENANT STEVE JAUCH #

HOMICIDE BUREAU - DETECTIVE DIVISION